

12-17-01

A

New, Continuation, Divisional, or Continuation-in-Part Application  
Under 37 C.F.R. Section 1.53(b)



Attorney Docket No. DKT 00065 (BWI-00056)

Express Mail Label No. EF 206 358 967 US

Date: December 10, 2001



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Hon. Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Sir:

Transmitted herewith for filing under 37 C.F.R. Section 1.53 (b) is a patent application for:

**BRAKE BANDS FOR AN AUTOMATIC TRANSMISSION AND METHOD FOR  
CONTROLLING A GEAR SHIFT IN AUTOMATIC TRANSMISSION  
AND FEEDBACK LOOP CONTROL SYSTEM**

Identified by:  First named inventor \_\_\_\_\_  
or  Attorney Docket No. (see above)

**Type of Application**

This application is a new (non-continuing) application.

This application is a  continuation /  divisional /  continuation-in-part of prior application Serial No. \_\_\_\_\_, filed \_\_\_\_\_. Amend the specification by inserting before the first line, the sentence:

--This is a [continuation/division/continuation-in-part] of United States Patent Application Serial No. \_\_\_\_\_, filed \_\_\_\_\_.--

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied, is considered part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

If for some reason applicant has not requested a sufficient extension of time in the parent application, and/or has not paid a sufficient fee for any necessary response in the parent application and/or for the extension of time necessary to prevent the abandonment of the parent application prior to the filing of this application, please consider this as a Request for an Extension for the required time period and/or authorization to charge Deposit Account No. 023182 (Borg-Warner Automotive, Inc.) for any fee that may be due. THIS FORM IS BEING FILED IN TRIPPLICATE: one copy for this application; one copy for use in connection with the Deposit Account (if applicable); and one copy for the above-mentioned parent application (if any extension of time is necessary).

**2. Contents of Application**

a. Specification of 17 pages;

a microfiche computer program (Appendix);

a nucleotide and/or amino acid sequence submission;

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[ ] Because the enclosed application is in a non-English language, a verified English translation [ ] is enclosed [ ] will be filed.

[ ] Cancel original claims \_\_\_\_\_ of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing date purposes.)

b. [X] Drawings on 7 sheets;

c. [X] A signed Oath/Declaration [ ] is enclosed / [X] will be filed in accordance with 37 C.F.R. Section 1.53(f).

The enclosed Oath/Declaration is [X] newly executed / [ ] a copy from a prior application under 37 C.F.R. Section 1.63(d) / [ ] accompanied by a statement requesting the deletion of person(s) not inventors in the continuing application.

d. Fees

<u>FILING FEE CALCULATION</u>	<u>Number Filed</u>		<u>Number Extra</u>	<u>Rate</u>		<u>Basic Fee</u>
Total Claims	23	-	20	=	3	x \$18.00 = \$54.00
Independent Claims	3	-	3	=	0	x \$84.00 = \$ 0
Multiple Dependent Claim(s) Used .....					\$280.00	= \$ 0

FILING FEE – NON-SMALL ENTITY ..... \$794.00

FILING FEE – SMALL ENTITY (Reduction by ½) ..... \$ 0

[ ] Applicant hereby claims Small Entity Status as an Independent Inventor under 37 CFR 1.9 (f) and 1.27 (b).

[ ] Applicant hereby claims Small Entity Status as a Small Business Concern under 37 CFR 1.9 (f) and 1.27 (c).

[ ] Applicant hereby claims Small Entity Status as a Nonprofit Organization under 37 CFR 1.9 (f) and 1.27 (d).

Assignment Recordal Fee (\$40.00) ..... \$ 0

37 C.F.R. Section 1.17(k) Fee (non-English application) ..... \$ 0

**TOTAL** ..... \$794.00

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- [ ] A check is enclosed to cover the calculated fees. The Commissioner is hereby authorized to charge any additional fees that may be required, or credit any overpayment, to Deposit Account No. 023182 (Borg-Warner Automotive, Inc.). A duplicate copy of this document is enclosed.
- [ ] The calculated fees will be paid within the time allotted for completion of the filing requirements.
- The calculated fees are to be charged to Deposit Account No. 023182(Borg-Warner Automotive, Inc.). The Commissioner is hereby authorized to charge any additional fees that may be required, or credit any overpayment, to said Deposit Account. A duplicate copy of this document is enclosed.

### 3. Priority Information

- [ ] **Foreign Priority:** Priority based on \_\_\_\_\_(country) Application No. \_\_\_\_\_, filed \_\_\_\_\_, and \_\_\_\_\_(country) Application No. \_\_\_\_\_, filed \_\_\_\_\_, is claimed.
- [ ] A copy of the above referenced priority documents [ ] is enclosed / [ ] will be filed in due course, pursuant to 35 U.S.C. Section 119(a)-(d).
- Provisional Application Priority:** Priority based on United States Provisional Application No. 60/254,476, is claimed under 35 U.S.C. Section 119(e).

### 4. Other Submissions

- [ ] A Preliminary Amendment is enclosed.
- [ ] An Information Disclosure Statement, \_\_\_\_\_ sheets of PTO Form 1449, and \_\_\_\_\_ patent(s)/publication(s)/document(s) are enclosed.
- A power of attorney
- is submitted with the new Oath/Declaration.
- [ ] is of record in the prior application and [ ] is in the original papers / [ ] a copy is enclosed.
- [ ] An Assignment of the invention
- [ ] is enclosed with a cover sheet pursuant to 37 C.F.R. Sections 3.11, 3.28 and 3.31.
- [ ] is of record in a prior application. The assignment is to \_\_\_\_\_, and is recorded at Reel \_\_\_\_\_, Frame(s) \_\_\_\_\_.

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- [ ] An Establishment of Assignee's Right to Prosecute Application Under 37 C.F.R. Section 3.73(b), and Power of Attorney is enclosed.
- [ X ] An Express Mailing Certificate is enclosed.
- [ X ] Other: Data Entry Sheet (two pages) & Return Receipt Postcard are also enclosed.
- 

Attention is directed to the fact that the correspondence address for this application is:

Patent Docket Administrator  
**BorgWarner Inc.**  
3001 West Big Beaver Road – Suite 200  
P.O. Box 5060  
Troy, MI 48007-5060

and telephone calls should be directed to Philip R. Warn at (248) 364-4300.

Respectfully submitted,

WARN, BURGESS & HOFFMANN, P.C.  
Attorneys for Applicant(s)

By: 

Philip R. Warn  
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P.O. Box 70098  
Rochester Hills, Michigan 48307  
(248) 364-4300

Dated: December 10, 2001

PRW:jmz

LAW OFFICES  
**WARN, BURGESS & HOFFMANN, P.C.**

Intellectual Property Matters  
PATENTS, TRADEMARKS AND COPYRIGHTS

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Jennifer M. Brumbaugh\*  
\*Registered Patent Agent

December 10, 2001

Hon. Commissioner of Patents and Trademarks  
Washington, D.C. 20231

EF 206358967 US

Sir:

**EXPRESS MAILING CERTIFICATE**

Applicant: Anthony J. Grzesiak, et al.

Serial No. (if any):

For: U.S. Patent Application  
"BRAKE BANDS FOR AN AUTOMATIC TRANSMISSION  
AND METHOD FOR CONTROLLING A GEAR SHIFT IN  
AUTOMATIC TRANSMISSION AND FEEDBACK LOOP  
CONTROL SYSTEM"

Docket: DKT 00065 (BWI-00056)

Attorney: Philip R. Warn

"Express Mail" Mailing Label Number ..... EF 206 358 967 US

Date of Deposit ..... December 10, 2001

I hereby certify and verify that the accompanying Transmittal Letter (in triplicate); Data Entry Sheet (2 pages); Patent Application (17 pages); Declaration & Power of Attorney; 7 Sheets of Drawings; and Postcard are being deposited with the United States Postal Service "Express Mail Post Office To Addressee" service under 37 C.F.R. 1.10 on the date indicated above and are addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

*Judith M. Zettle*  
Signature of Person Mailing Documents